

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

**NORTHUMBERLAND COUNTY
RETIREMENT SYSTEM, et al.,**

Plaintiffs,

vs.

GMX RESOURCES, INC., et al.

Defendants.

NO. CIV-11-00520-D

**MOTION OF THE BERBENICH GROUP TO BE APPOINTED LEAD
PLAINTIFF AND TO APPROVE PROPOSED LEAD PLAINTIFF'S
CHOICE OF COUNSEL**

Timothy Berbenich, Kristy Berbenich and Thomas Janowitz (the “Berbenich Group” or “Movant”) respectfully moves this Court for an order: (1) appointing Movant as Lead Plaintiff in this action pursuant to Section 27(a)(3)(B) of the Securities Act of 1933 (the "Securities Act"), as amended by Section 101(a) of the Private Securities Litigation Reform Act of 1995 (“PLSRA”); and (2) approving their selection of the law firm of Kahn Swick & Foti, LLC (“KSF”) as Lead Counsel for the Class.

Dated: February 3, 2012

Respectfully submitted,

**STRONG, MARTIN &
ASSOCIATES, PLLC.**

BY: /s/ Don S. Strong
Don S. Strong, OBA No. 13874
G. Stephen Martin, OBA No. 17091
2700 First National Center

120 North Robinson Avenue
Oklahoma City, Oklahoma 73102
Telephone: (405) 604-7500
Facsimile: (405) 604-7503
dss@strongmartin.com
gsm@strongmartin.com

*Local Counsel for the Berbenich Group
and Proposed Local Counsel for the
Class*

KAHN SWICK & FOTI, LLC
Kim E. Miller
500 5th Avenue, Suite 1810
New York, NY 10110
Telephone: (212) 696-3730
Facsimile: (504) 455-1498

- AND -

KAHN SWICK & FOTI, LLC
Lewis S. Kahn
206 Covington Street
Madisonville, Louisiana 70447
Telephone (504) 455-1400
Facsimile: (504) 455-1498

*Counsel for the Berbenich Group and
Proposed Lead Counsel for the Class*

CERTIFICATE OF SERVICE

I hereby certify that this Motion was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non-registered participants on February 3, 2012.

/s/ Don S. Strong
Don S. Strong